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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/544,130

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EXAMINER

SPISICH, GEORGE D

ART UNIT

PAPER NUMBER

3616

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/544,130	Applicant(s) GEUSENS, TONY	
	Examiner GEORGE D. SPISICH	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/2/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Species 1 (Figs. 6,11 and 13) in the reply filed on March 11, 2008 is acknowledged.

Claims 9-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on March 11, 2008.

Claims 9-11 recite a concave cross member. This feature is not shown in the elected Species 1 (Figs. 6,11 and 13). The cross member(s) in Species 1 are not properly considered concave.

Applicant's argument that there is no burden to the Examiner to examine the grouped species is not persuasive. The multiple cross member shapes and suspension arm connections pose a search and examining burden to the examiner.

Claims 1-8 and 12-14 read on the elected Species and have been examined in this Office Action.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "double wheel arrangement" (claim 1), the structure of the floor having edge

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profiles comprising the longitudinal runners (claim 13) and the twist lock couplings provided on the longitudinal runners (claim 14) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-8 and 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 3-7 are unclear. It is unclear what is being claimed by the phrase "two or several single or double wheels" (line 3), and what distance between the wheels (in the double arrangement) (line 4-5) is being claimed. Furthermore, in the double wheel arrangement, it is unclear how wheels are fixed "independently of the other wheels" (line 6). The phrase "hinged "at their far ends"" (line 7) is unclear. It is unclear what the far end is in reference to.

Claims 2-4 are unclear. It is unclear what is being claimed as the reinforcement "box-like" construction. Part of this confusion is based on claim 4, where it is claimed the profile is an "I-profile box-like construction". It is unclear how an I-profile is a box-like construction. Furthermore, the term "like" in "box-like" is inherently unclear.

Claim 8 is unclear. It is unclear to claim three hinge joints are connected to each other (when the inboard joints are not) and two rods connect the joints in a triangular bracing when two rods do not create a triangle.

Claim 12 is unclear. In claim 12, line 3, the term "the central support" lacks antecedent basis. The support has not previously been claimed as a "central" support.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 100 35 273 (provided by Applicant).

DE '273 discloses a semi-trailer comprising a chassis having at least two supporting longitudinal runners (2) connected to each other by means of cross connections and two or several wheels carrying the chassis where the longitudinal runners are located on the side edge of the chassis at a distance from each other which is larger than the distance between the wheels and wherein each wheel is fixed independently of the other wheels on the chassis by two parallel supporting arms (see Fig. 3) which are hinged at their far ends.

Each longitudinal runner on the side edge of the chassis is formed of a profile which is provided with a reinforcement in the shape of a box-like construction over a selected length (as best as Examiner can understand the claimed limitations). The box-like construction extends between the wheels and a journal of the semi-trailer.

The supporting arms are provided in pairs (again see Fig. 3) in pairs on the chassis, one above another and at a distance from each other.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE '273 in view of Carr et al. (USPN 5,242,185).

DE '273 has been discussed in the prior rejection. However, DE '273 does not teach an I-profile construction of the "reinforcement" portion of the frame/chassis or a loading floor that includes the runners at it's outer edge, as best as Examiner can understand the claim language.

Carr et al. teaches the well known use of frame members having an I-profile to create a semi-trailer frame/chassis. This would broadly be considered to be a "reinforcement". Furthermore, Carr et al. teaches the use of a floor on a trailer bed that engages at it sides with longitudinal rails of the trailer frame/chassis.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the structure of DE '273 by providing a chassis of I-profile construction for reinforcement and incorporating the floor with the longitudinal runners as taught by Carr et al.

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Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE '273 in view of Theurer et al. (USPN 4,129,395).

DE '273 does not show twist lock couplings on the longitudinal support runners. Although Applicant does not show how these locks are incorporated into the runner.

Theurer et al. shows a trailer frame/chassis with twist lock couplings provided on the longitudinal and/or cross members thereof for fixing a container to the trailer. It is common in the trailer art to fasten a container to a transport vehicle (trailer) via the frame members of the trailer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the frame of DE '273 by providing twist lock couplings on the trailer frame to secure a container to the vehicle as taught by Theurer et al. and since it is well known in the transport art to fasten container to transport vehicle in this manner.

Claims 6, 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE '273 in view of Archer et al. (USPN 5,820,150).

DE '273 does not show supporting arms hinged to a central support member.

Archer show a vehicle frame having parallel support arms that are connected with hinges to a central support member as applicant has claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mounting positions of DE '273 to be mounted

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to a central support member that extends longitudinally as taught by Archer et al. in order to securely mount the support arms to the chassis.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE '273 in view of Archer et al. as applied to claims 6,7 and 12 above, and further in view of Bantle (USPN 3,179,439).

DE '273 has been discussed in the previous rejection. However, Archer does not disclose the suspension arms connected the hinge joints to form a triangular bracing.

Bantle discloses the well known use of triangularly arranged support arms to suspend a wheel.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the suspension arm orientation of DE '273 in view of Archer et al. by providing a triangular orientation as taught by Bantle to suspend the wheels of the vehicle.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reitnouer (USPN 6,109,684), Janeway (USPN 3,179,439), Wright (USPN 1,731,962), Tomkins et al. (USPN 6,877,939), Leboeuf (USPN 4,050,709), Wendell (USPN 3,356,386), Doerfier (USPN 3,012,795), Rummell (USPN 3,788.683).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE D. SPISICH whose telephone number is (571)272-6676. The examiner can normally be reached on Monday-Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George D. Spisich/
Examiner, Art Unit 3616
June 8, 2008

/Lesley D. Morris/
Supervisory Patent Examiner, Art Unit 3611